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11 | *Attorneys for Stardock Systems, Inc.*

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

15 | STARDOCK SYSTEMS, INC..

Case No.: 4:17-cv-07025-SBA

16 Plaintiff.

**DECLARATION OF ROBERT A. WEIKERT IN
SUPPORT OF STARDOCK SYSTEM'S
MOTION FOR A TEMPORARY
RESTRAINING ORDER AND ORDER TO
SHOW CAUSE FOR A PRELIMINARY
INJUNCTION**

17 || vs.

18 PAUL REICHE III and ROBERT FREDERICK FORD

Defendants

21 || AND RELATED COUNTERCLAIM

WEIKERT DECLARATION IN SUPPORT OF TEMPORARY RESTRAINING ORDER

Case No. 17-cv-07025-SBA

1 I, Robert A. Weikert declare:

2 1. I am a partner at Nixon Peabody LLP, counsel of record for plaintiff Stardock
 3 Systems, Inc. ("Stardock"). I make this declaration in support of Stardock's Motion for a
 4 Temporary Restraining Order and Order to Show Cause for a Preliminary Injunction. Unless
 5 otherwise noted, I have personal knowledge of the following and, if called upon to do so, would
 6 and could testify competently to the same in a court of law.

7 2. Attached hereto as Exhibit A is a true and correct copy of the Second Amended
 8 Complaint filed by Stardock in this Action on or about July 16, 2018 (Dkt. 51.)

9 3. Attached hereto as Exhibit B is a true and correct copy of a First Amended
 10 Counterclaim filed by defendants Paul Reiche III and Robert Frederick Ford in this Action on or
 11 about July 16, 2018 (Dkt. 50.)

12 4. Attached hereto as Exhibit C is a true and correct copy of an August 22, 2018
 13 letter from me to Stephen Steinberg, Defendants' counsel.

14 5. Attached hereto as Exhibit D is a true and correct copy of an August 23, 2018
 15 email from Mr. Steinberg to me.

16 6. Attached hereto as Exhibit E is a true and correct copy of an August 24, 2018
 17 email from me to Mr. Steinberg. I have yet to receive a response to this email from Mr. Steinberg
 18 or otherwise.

19 7. Following is a website address that links to an article entitled "Battlefield V delay
 20 causes Electronic Arts' stock to dive": [https://venturebeat.com/2018/08/30/battlefield-v-delay-
 21 causes-electronic-arts-stock-to-dive/](https://venturebeat.com/2018/08/30/battlefield-v-delay-causes-electronic-arts-stock-to-dive/).

22 8. Following is a website address that links to an article entitled "EA shares plunge
 23 after gamemaker delays the release of key game 'Battlefield V,' adjusting guidance":
 24 <https://www.cnbc.com/2018/08/30/ea-shares-plunge-on-battlefield-v-release-delay.html>.

1 9. I provided notice to Defendants' counsel of Stardock's intent to seek a temporary
2 restraining order on September 6, 2018. Attached hereto as Exhibit F is a true and correct copy of
3 the email that I sent to Stephen Steinberg, counsel to Defendants.

4 10. Attached hereto as Exhibit G is a true and correct copy of an email exchange
5 between me and Stephen Steinberg dated September 6, 2018.

6 11. On September 6, 2018 I met and conferred by telephoned with Defendants'
7 counsel, Stephen Steinberg and Mark Palmer regarding this Motion. Counsel's rationale for
8 previously submitting DMCA notices aimed at the takedown of Star Control related material from
9 the GOG and Steam online platforms made it clear that they intended to file a DMCA notice with
10 respect to the *Star Control: Origins* game.

11 I declare under penalty of perjury under the laws of the United States and the State of
12 California that the foregoing is true and correct.

13 Executed this 7th day of September 2018.

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16 /s/ *Robert A. Weikert*
17 Robert A. Weikert
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